S. HRG. 98-71

NOMINATION OF JOHN J. FRANKE, JR.

HEARING

BEFORE THE

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

THE NOMINATION OF
JOHN J. FRANKE, JR., OF KANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION

MARCH 7, 1983

Printed for the use of the
Committee on Agriculture, Nutrition, and Forestry

U.S. GOVERNMENT PRINTING OFFICE
19-994 O WASHINGTON : 1983

S161-10

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

JESSE HELMS, North Carolina, *Chairman*

BOB DOLE, Kansas
RICHARD G. LUGAR, Indiana
THAD COCHRAN, Mississippi
RUDY BOSCHWITZ, Minnesota
ROGER W. JEPSEN, Iowa
PAULA HAWKINS, Florida
MARK ANDREWS, North Dakota
PETE WILSON, California
ORRIN G. HATCH, Utah

WALTER D. HUDDLESTON, Kentucky
PATRICK J. LEAHY, Vermont
EDWARD ZORINSKY, Nebraska
JOHN MELCHER, Montana
DAVID H. PRYOR, Arkansas
DAVID L. BOREN, Oklahoma
ALAN J. DIXON, Illinois
HOWELL HEFLIN, Alabama

GEORGE S. DUNLOP, *Chief of Staff*
J. ROBERT FRANKS, *General Counsel*
CARL P. ROSE, *General Counsel and Staff Director for the Minority*

CONTENTS

	Page
Helms, Hon. Jesse, a U.S. Senator from North Carolina	1
Dole, Hon. Bob, a U.S. Senator from Kansas, prepared statement	3
Franke, John J., Jr., Assistant Secretary of Agriculture for Administration—Designate	4

NOMINATION OF JOHN J. FRANKE, JR., OF KANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION

MONDAY, MARCH 7, 1983

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, D.C.

The committee met, pursuant to notice, at 1:40 p.m., in room 328A, Russell Senate Office Building, Hon. Jesse Helms (chairman of the committee) presiding.

Present: Senators Helms and Dole.

STATEMENT OF HON. JESSE HELMS, A U.S. SENATOR FROM NORTH CAROLINA

The CHAIRMAN. The committee will come to order.

We are meeting today for a hearing on the nomination of John J. Franke, Jr., to be an Assistant Secretary of Agriculture for Administration.

This is a new position created to provide the Secretary of Agriculture with a principal adviser on administrative management and related issues. The Assistant Secretary will be the chief officer on such matters in USDA.

Mr. Franke currently serves as Deputy Assistant Secretary for Administration. He was appointed to the position on August 16, 1982.

Mr. Franke has a long record of public service. His most recent position was that of Regional Administrator of the Environmental Protection Agency. Previously, Mr. Franke served as Commissioner of Johnson County, Kans., and mayor of Merriam, Kans. In addition, he has served on various local project committees.

It is my intention to hold the hearing this afternoon, leave the record open for submitted questions from absent Senators, and if it meets the approval of Senator Huddleston, the ranking minority member, vote on the nomination possibly on Wednesday off the Senate floor.

I recognize the distinguished Senator from Kansas to present in a formal sort of way the distinguished nominee.

Senator DOLE. Thank you, Mr. Chairman.

I might say it is a particular pleasure to introduce John Franke to the committee and to commend his appointment by President Reagan to serve as an Assistant Secretary of the Department of Agriculture. As you indicated, he has been serving in that capacity

for a number of months. I think in that timeframe he has demonstrated he can do the job.

I want to thank you, Mr. Chairman, and Senator Huddleston for helping us to get a bill passed last year that made this hearing today possible. So, first, I want to recognize that.

I have known the nominee for a long time. We are good friends. I am totally biased and prejudiced. In fact, I was telling the chairman on the way over I might have had something to do with his interest in public activity. I will not say partisan activity because it is always a public service when Mr. Franke is involved.

He has done a lot of good work in our State, particularly as a member of the board of county commissioners in one of our large counties. He has done an outstanding job. He was also an EPA regional administrator. I will not get into all the EPA problems, but he did a good job in that area. And he has done a good job since August 16, 1982.

I would like my statement to be made a part of the record.[1] It will reflect, I think, outstanding public service and a man of honesty and integrity and an outstanding family. We are proud to have him in the public sector.

The CHAIRMAN. Without objection, your prepared statement will be inserted.

He is an excellent nominee. Anytime you have Bob Dole's endorsement, you are 98 percent of the way there.

Without objection, we will insert some prepared material on the nominee.

OFFICE OF GOVERNMENT ETHICS,
Washington, D.C., February 16, 1983.

Hon. JESSE A. HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by John J. Franke, Jr., who has been nominated by President Reagan for the position of Assistant Secretary for Administration, Department of Agriculture.[2]

We have reviewed the report and have also obtained advice from the Department of Agriculture concerning any possible conflict in light of the Department's functions and the nominee's proposed duties. Based thereon, we believe that Mr. Franke is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

DAVID R. SCOTT,
Acting Director.

JOHN J. FRANKE, JR., ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION—DESIGNATE

John J. Franke, Jr., was appointed Deputy Assistant Secretary for Administration on August 16, 1982.

He was previously serving as Regional Administrator of the Environmental Protection Agency, Region VII. In that position, Mr. Franke was responsible for coordinating and directing the Agency's efforts to protect the health and environment of a four-state area encompassing Iowa, Kansas, Missouri and Nebraska. By working closely with the states and following the mandates of the federal government, Mr. Franke was committed to preserving the environment and health of citizens in the Region.

---

[1] See p. 3 for the prepared statement of Senator Dole.
[2] Retained in committee files.

Mr. Franke also served as Commissioner of Johnson County, Kansas, for nine years. He was elected Mayor of Merriam, Kansas, in 1971. Mr. Franke has served as President of the City Council, Merriam, Kansas, in 1969–1970, and on the City Council for three years.

As a Johnson County Commissioner, Mr. Franke directed local sewer and wastewater programs, established the county's solid waste program and assisted in developing and enforcing environmental and health programs. Johnson County is the second largest and fastest growing county in Kansas.

As a member of the Mid-America Regional Council, the metropolitan Kansas City planning body, Mr. Franke served on solid waste and utilities policy committees and acted as co-chairman of the planning and community development policy committees.

He also served as chairman of the National Association of Counties Labor and Employee Benefits Steering Committee, chairman of the Kansas League of Municipalities Human Resources Policy Committee and the U.S. Department of Interior Regional Advisory Commission.

Prior to his involvement in public service, Mr. Franke was president and chief executive officer of his family's business, Franke Barber Supply, Inc. He is a veteran of the U.S. Marines.

STATEMENT OF HON. BOB DOLE, A U.S. SENATOR FROM KANSAS

Mr. Chairman, it is my particular pleasure to introduce Mr. Franke to the committee, and to commend his appointment by President Reagan to serve as Assistant Secretary for Administration in the Department of Agriculture.

It is now nearly eight months since Mr. Franke was appointed as Deputy Secretary for Administration pending reclassification of the Assistant Secretary position. This delay has demonstrated better than any argument the need for greater cooperation and coordination of administrative functions in both our executive and legislative branches of government.

It is my conviction, Mr. Chairman, that Mr. Franke will make strong contributions in both these areas during his tenure with the USDA.

SERVICE IN JOHNSON COUNTY, KANS.

Mr. Chairman, John Franke brings particularly strong credentials to the Department in the field of public administration. A marine veteran and president of a family-owned business for twenty years, he entered public service in 1965 as a member of the council of Merriam, Kans., in the Metropolitan Area of Kansas City.

After serving as president of the council in 1969–70 and as mayor of the city of Merriam in 1971–72, Mr. Franke was elected to be a Commissioner of Johnson County, Kans., in 1973 and again in 1977 and 1981. He presided as chairman of the board of county commissioners during three of these nine years.

In this capacity, he was responsible for the development and implementation of policies affecting the budget, fiscal conduct, personnel management and highway and environmental programs of the second largest and fastest growing county in Kansas.

While serving as a commissioner, Mr. Franke shared additional responsibilities from 1975 to 1981 as a member of the National Association of Counties, the Kansas League of Municipalities and the Mid-America Regional Council. In these positions, he directed efforts to establish policies and procedures affecting labor/management issues, pensions, social security, EEO, human services, community development including utilities and transportation policy, and liaison work between the county, State and Federal levels of government.

EPA REGIONAL ADMINISTRATOR

Mr. Franke was appointed Administrator for Region VII of the Environmental Protection Agency in 1981. In this capacity, he was charged with directing the EPA's efforts to protect the health and environment in a four-State area including Iowa, Kansas, Missouri and Nebraska.

His principal responsibilities in this position included coordinating intergovernmental activities with State and local governments in the region and serving as a conduit between national policy objectives and regional needs and concerns.

APPOINTMENT TO USDA

On August 16, 1982, John Franke was appointed Deputy Assistant Secretary for Administration at the USDA. Since that time, he and his wife Midge have had ample opportunity to become acclimatized to Washington, and to become fully aquainted with the responsibilites of his new position.

Mr. Chairman, I have known John Franke for many years and know him to be one of the finest examples of what true public service is all about. I have no doubt but that he will continue to contribute from his own personal qualities at the Department as he has throughout his distinguished service at the city, county and regional levels of government.

Thank you, Mr. Chairman.

Mr. FRANKE. Thank you, Mr. Chairman.

The CHAIRMAN. I have two questions that we ask all nominees for the record.

If your nomination is approved by the committee and the Senate, do you promise to respond to requests to appear and testify before this committee and any other duly constituted committee of the Senate?

Mr. FRANKE. Yes, sir, without question.

The CHAIRMAN. If you are confirmed by the Senate, will you faithfully execute the laws passed by Congress regardless of any previous statements you may have made, or biases you may have held?

Mr. FRANKE. Absolutely, Mr. Chairman.

The CHAIRMAN. Mr. Franke, since this is a new position, perhaps it would be useful if you elaborated for the record as to what you perceive your responsibilities will include?

STATEMENT OF JOHN J. FRANKE, JR., ASSISTANT SECRETARY OF AGRICULTURE FOR ADMINISTRATION—DESIGNATE

Mr. FRANKE. Mr. Chairman, as your opening remarks indicated, this is principally a position regarding management and administration with the Department of Agriculture, the principal policy adviser on management to the Secretary. Even more than that, I think, it is that linkage that must be provided between program areas—the only reason we have a Department of Agriculture is to perform in certain program areas—to make certain that the management of the agencies and certainly the policies that flow through the Department relate to programs. We are a service arm.

Frequently it has been said in some other levels of Government that the administration of a program becomes the end result. That is not true in the Department of Agriculture. So, one function of this position will be making certain that the management, the administration of the Department, is a service toward the program areas. Our role is to expedite activities, to make certain program managers have very viable and efficient management of administrative services.

This particular position oversees and recommends policies and monitors administrative systems, personnel, the Secretary's budgets, and equal employment opportunities. We oversee policies on procurement in the program areas and in facilities.

It is the type of position that most people do not pay a great deal of attention to, but administration and management form the thread that runs through any department or agency. It can be a

binding institution, or it can lead to difficulties. The purpose of this position being created is to provide within the Department a Presidential appointee who serves as senior staff officer responsible for overseeing certain programs, through staff offices, which form a link between program areas, the staff offices, and agencies that advise the Secretary in establishing overview and monitoring programs within administration.

The CHAIRMAN. I have one other question. You have noted, I am sure, the speculation in the press about USDA's purported lack of support of existing civil rights policies in the hiring of minority employees. For the purposes of the record, will you highlight what the USDA is in fact doing in these areas?

Mr. FRANKE. Principally, one of the staff offices that report through my office is the Office of Minority Affairs, in addition to small and disadvantaged businesses, personnel, procurements, things of that nature. Recently, there was a memorandum sent from one of the staff offices, the Director of the Office of Minority Affairs, requesting the Secretary to formulate a different approach with regard to equal employment and civil rights policy. That memorandum, as it should, came to my office. Because it did vary considerably with not only what is proper and appropriate to a management field, and in sensitivity, things of that nature, but also varied from the law, that memorandum was curtailed; and it did not reach the Secretary.

Most of the speculation was over how that memorandum was sent. Within the Department, we ask for thoughts and advice. We try to anticipate what Directors may be formulating with regard to policy, clearing it through my office and then discussing that situation or issue.

In this particular area, unfortunately, there was a misunderstanding by the Director at that time as to who formulated the policy with regard to equal employment and civil rights within a department or agency of the Federal Government. There are four principal lead agencies that formulate and implement policy on civil rights and equal employment opportunities. Agriculture is not one of these. The Department of Labor, EEOC, Justice, and Education are lead agencies in developing that policy. Our role within the Department and within our administrative offices certainly is to listen to those policies that are formulated under statute, and then to act as advisers to agencies with regard to title VI and title VII, making certain program approaches follow the Constitution and follow existing law.

So, this memorandum that received so much attention was not a Department of Agriculture policy. It was a proposal from a staff officer who no longer is with the Department.

The CHAIRMAN. Senators who are not present may have questions they wish to file with you in writing. I assume that you would be willing to respond to those as promptly as possible because Senator Dole and I would like to see your nomination reported to the floor and acted upon so that you can be officially in place. Senator Dole?

Senator DOLE. I assume you met with the staff and that the material regarding the ethics has been properly filed to everyone's

satisfaction. That is a routine that we go through in the committee. I am certain it has been done.

I have no questions. I just believe that John Franke will do an outstanding job. Again, I thank you, Mr. Chairman and Senator Huddleston, the ranking Democrat on the committee, for helping us expedite the bill that made this possible. Senator Huddleston cannot be here today, but I think you have met with Carl Rose.

We are happy to have you on board. As the chairman has said, if there are written questions, you can respond to those, and then the confirmation.

The CHAIRMAN. Have you visited with most of the members of the committee?

Mr. FRANKE. We had an opportunity last week, Mr. Chairman, to visit with a number of the Senators and committee members in this room very briefly. We had an opportunity to visit with some of the Senators in their offices and, hopefully, that will continue even after this hearing during the next week.

The CHAIRMAN. If there is no further business to come before the committee, we stand adjourned.

[Whereupon, at 1:50 p.m., the committee adjourned, subject to call of the Chair.]

WEDNESDAY, MARCH 9, 1983

The committee met, pursuant to notice, in room S-224, U.S. Capitol, commencing at 2:30 p.m., Hon. Jesse Helms (chairman of the committee), presiding.

Present: Senators Helms, Dole, Lugar, Cochran, Jepsen, Hawkins, Andrews, Hatch, Zorinsky, Melcher, Pryor, and Boren.

The CHAIRMAN. The committee held a confirmation hearing on the nomination of John J. Franke, Jr., on Monday afternoon. Mr. Franke has been nominated for the position of Assistant Secretary of Agriculture for Administration. In this role he will be responsible for all administrative and management issues at the Department.

Unless any Senator wishes further discussion, I suggest we vote.

All in favor say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. Approved.

Thank you very much.

We stand adjourned.

[Whereupon, at 2:31 p.m., the committee adjourned, subject to the call of the Chair.]

[COMMITTEE NOTE.—March 9, 1983.—The nomination of John J. Franke, Jr., was reported to the Senate. March 11, 1983.—The nominee was confirmed by the Senate.]

○